



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

<b>DOD: 04/07/06</b>	<b>KATHY DAMBACHER</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states:</b>	1. Need Order.
	1. Letters of Administration were issued to Petitioner on 05/30/06 and have not been revoked.	
<b>Cont. from</b>	2. Initially, petitioner believed that the estate had assets valued at approximately \$265,500.00 consisting of a condominium, a vehicle and \$865.00 in cash.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. It now appears that said property is not subject to probate administration due to the following:	
<input checked="" type="checkbox"/> <b>Verified</b>	a. The condo was lost to foreclosure in December 2006 because the estate had no assets to continue making the monthly payments. The estate received no money from the foreclosure.	
<input type="checkbox"/> <b>Inventory</b>	b. The vehicle was being financed by decedent at the time of his death. Petitioner sold the vehicle to a third-party for the amount owed and paid off the remaining balance owed on the vehicle. The estate received no money from the sale of the pick-up truck.	
<input type="checkbox"/> <b>PTC</b>	c. The \$865.00 in the decedent's bank account was used to pay the filing fee and publication. The remaining funds were applied towards decedent's funeral expenses.	
<input type="checkbox"/> <b>Not.Cred.</b>	4. Petitioner diligently searched for other assets, but has failed to discover any real property of any kind belonging to the estate.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	5. All costs and expenses of the estate have been paid to date except there is no cash or other property in the estate to pay the statutory attorney and administrator commissions. There is no cash or property in the estate to distribute to the heirs.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Continued on Page 2	
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>Reviewed by:</b> JF
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Reviewed on:</b> 04/22/14
<input type="checkbox"/> <b>Pers.Serv.</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Conf. Screen</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Letters</b> 05/30/06		<b>File 1 – Ortenzio</b>
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b> x		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

6. On 07/21/06, Citibank/Texaco filed a creditor's claim in the amount of \$167.75. A Rejection of Creditor's Claim in the amount of \$167.75 was sent to Citibank/Texaco. No lawsuit was filed and the time for filing such suit expired on 05/30/07.
7. Attorney Melvin Rube has filed a written waiver for compensation for ordinary services. Neither Petitioner nor her attorney is claiming fees for extraordinary services.

**Petitioner prays for an Order:**

1. Terminating further proceedings for the administration of the estate.
2. Discharging Petitioner as personal representative of the estate.

**2 Taylor Lynn Cheek & Byron Michael Cheek (GUARD/P) Case No. 08CEPR00940**

**Atty Ruiz, Richard A. (for Tania Cheek – mother/Petitioner)**

**Atty Mathes, Karen L. (for Terry & Linda Cheek – paternal grandparents/guardians)**

**Status Hearing Re: Visitation**

<b>Taylor, 11</b>	<b>TERRY CHEEK</b> and <b>LINDA CHEEK</b> , paternal grandparents, were appointed as guardians on 12/01/08.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 02/11/14</b> <b>Minute Order from 02/11/14 states:</b> Stipulation and Order to Use Certified Shorthand Reporter is signed by the Court. At the request of Ms. Mathes, the matters is set for a contested hearing with a 3 hour estimate on 03/24/14. Counsel is directed to submit their trial briefs along with a courtesy copy for the Court one week before the hearing. The Court orders the parties to being therapeutic visits in the interim. Parties are advised that the therapeutic visits will be in addition to the current visitation schedule which is to remain in full force and effect. The Court increases the telephone calls to 3 times per week. Parties are ordered not to speak ill of one another around the children. In addition, parties are ordered not to make any promises to the children as to what may or may not happen with regards to these proceedings. Counsel is directed to prepare the Order.
<b>Byron, 8</b>		
	<b>TANIA CHEEK</b> , mother, filed a petition for termination of the guardianship, which was denied on 07/24/13.	
<b>Cont. from 100913, 021114</b>	<b>At hearing on 7-24-13</b> , the Court referred the case to CPS to check on who is living in the home with the child and its safety. DSS Social Worker Keith Hodge was present in Court. Mr. Hodge was asked to submit a report to the Court and to the other parties. The Court ordered a marginal increase in visitation between the mother and the children and set this status hearing.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>DSS Social Worker Keith Hodge filed a report on 8-27-13.</b>	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
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<b>Objections</b>		
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<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	Continued on Page 2	
		<b>Note:</b> Order on Stipulation filed 03/18/14 vacated the hearing date of 03/24/14.  Notice of Calendar Setting filed 04/08/14 set this matter for status regarding visitation.
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/22/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Cheek</b>

**Supplemental Declaration of Petitioner Tania Cheek in Response to Guardians' Objections to Petition Terminate Guardianship** filed 02/07/14 provides a lengthy description of the progress Tania Cheek has made in achieving sobriety, making positive steps in her life, describes numerous self-improvements and parents classes she has completed, discusses her current involvement with the children and their school/extra-curricular activities. She wants the Court to know that she is working hard towards being in the children's lives on a daily basis and will do whatever it takes to bring her kids back together as a family and keep her family together. She very much cares for and appreciates the guardians for caring for the children when she was not able to do so and would never want to keep the children away from the guardians. She is currently working part-time and looking for full-time work. She is taking classes at Fresno City College and attending church regularly. She states that because she is now clean, sober and drug free, it is in the children's best interest that the guardianship be terminated. In the event the Court finds that it is not in the best interest of the children to terminate the guardianship at this time, she requests that her visitation be increased. She request overnight visits. Rescue the Children, where she currently lives, permits overnight visits and is supervised and patrolled at all times. In the event the Court finds that overnight visits are not in the best interest of the children at this time, Ms. Cheek requests that the Court grant additional visitation time. Currently she is restricted to 6 hours of visitation a month. Ms. Cheek states that 6 hours a month is not enough time for a visit with quality time between a mother and her children. Ms. Cheek further requests that the Guardians provide her with all schedules, practices, and all other extra-curricular activities as she will make every effort to attend the children's events and activities. Ms. Cheek states that she has changed her life and is moving in the right direction. She respectfully requests that the Court help her by establishing a graduated plan, increasing time with her children. She states that she will take whatever the Court will give her and will be back to show the Court that she loves her children and that she will work hard for what is best for them, which is living with her as a family once again.

Atty Docker, William F., of McCormick Barstow (for Petitioner James M. Bell, Successor Trustee)

Sixth Account Current and Report of Trustee and Petition for Its Settlement, and for Allowance of Trustee's Fees

<b>DOD: 7/24/2007</b>		<p><b>JAMES M. BELL</b>, sole surviving Successor Trustee, is Petitioner. (Successor Co-Trustee G. Thomas Caswell, Jr. is deceased.)</p> <p><b>Account period: 1/1/2013 – 12/31/2013</b></p> <table> <tr> <td>Accounting</td> <td>-</td> <td><b>\$1,079,402.74</b></td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td><b>\$1,032,290.68</b></td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td><b>\$ 964,766.44</b></td> </tr> <tr> <td></td> <td></td> <td>(\$431,503.70 is cash)</td> </tr> <tr> <td>Trustee</td> <td>-</td> <td><b>\$7,380.00</b></td> </tr> <tr> <td></td> <td></td> <td>(3/4 of 1% of \$983,891.57 market value of trust assets)</td> </tr> <tr> <td>Attorney</td> <td>-</td> <td><b>Not requested</b></td> </tr> <tr> <td></td> <td></td> <td>(\$1,625.75 disbursed for attorney fees during 2013)</td> </tr> </table> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Settling, allowing and approving the Sixth Account and Report of the Trustee;</li> <li>Ratifying, confirming and approving all acts and transactions of the Trustee relating to the matters reflected in the Account and Report; and</li> <li>Authorizing and directing the Trustee to pay himself compensation for services rendered during the period of the Account and Report in the sum of <b>\$7,380.00</b>.</li> </ol>	Accounting	-	<b>\$1,079,402.74</b>	Beginning POH	-	<b>\$1,032,290.68</b>	Ending POH	-	<b>\$ 964,766.44</b>			(\$431,503.70 is cash)	Trustee	-	<b>\$7,380.00</b>			(3/4 of 1% of \$983,891.57 market value of trust assets)	Attorney	-	<b>Not requested</b>			(\$1,625.75 disbursed for attorney fees during 2013)	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Disbursements Schedule shows the following expenditures for trust administration during 2013:</p> <ul style="list-style-type: none"> <li>Accounting/Tax preparation fees: <b>\$1,550.00</b>;</li> <li>Attorney fees: <b>\$1,625.75</b>;</li> <li>Trustee fees: <b>\$3,975.00</b>;</li> <li>Investment Advisory fees: <b>\$8,433.78</b>.</li> </ul> <p><b>Note:</b> Order Settling Fifth Account Current and Report of Trustee, etc. filed 5/20/2013 authorized Trustee to be paid <b>\$7,950.00</b> from the Trust for services during the Fifth Account period.</p> <p><b>Note:</b> Court will set a status hearing in one of the following alternatives:</p> <ul style="list-style-type: none"> <li><b>Friday, June 26, 2015 at 9:00 a.m. in Dept. 303</b> (1-year account) for filing of the 7<sup>th</sup> account;</li> <li><b>OR</b></li> <li><b>Friday, June 24, 2016 at 9:00 a.m. in Dept. 303</b> (2-year account) for filing of the 7<sup>th</sup> account.</li> </ul> <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p>
Accounting	-		<b>\$1,079,402.74</b>																								
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		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 4/22/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 – Funch</b></p>																									

**4 Hedy Borunda (Estate)**

**Case No. 12CEPR00268**

**Atty Bagdasarian, Gary (for Rick Gonzalez – Administrator/Petitioner)**

**(1) First and Final Account and Report of Status of Administration of Administrator and Petition for Settlement Thereof and (2) for Allowance of Statutory Attorney's Fees and Administrator's Compensation and (3) for Extraordinary Attorney's Fees and (4) for Costs Reimbursement and for (5) Final Distribution**

<b>DOD: 05/12/10</b>	<b>RICK GONZALEZ</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>04/26/12 – 03/20-14</b>	
<b>Cont. from</b>	Accounting - <b>\$130,400.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$130,400.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$22,906.44</b> (all cash)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator - <b>\$4,750.00</b> (statutory)	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney - <b>\$3,563.00</b> (3/4 of the statutory fee)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Attorney x/o - <b>\$3,528.00</b> (for court approved sale of real property, itemization provided)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Costs - <b>\$1,364.50</b> (filing fees, certified copies, recording fees, publication, probate referee)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Closing - <b>\$1,000.94</b>	
<b>Aff.Pub.</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<b>Sp.Ntc.</b>	Rick Gonzalez - \$2,900.00	
<b>Pers.Serv.</b>	Louis Gonzalez - \$2,900.00	
<b>Conf. Screen</b>	John Miranda - \$2,900.00	
<input type="checkbox"/> <b>Letters</b> 04/26/12		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/22/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4 – Borunda</b>

**First and Final Report of Status of Administration on Waiver of Account and Petition for : (1) Compensation to Attorney for Ordinary Services; (2) Final Distribution; and (3) Reimbursement of Costs Advanced**

<b>DOD: 07/03/11</b>		<b>AIMEE HOLLAND</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>CONTINUED FROM 04/10/14</b> <b>As of 04/22/14, nothing further has been filed.</b>
		Accounting is waived.	
<b>Cont. from 041014</b>			
	<b>Aff.Sub.Wit.</b>	I & A - <b>\$119,714.51</b>	<ol style="list-style-type: none"> <li>The property on hand appears to be miscalculated in the Petition and only includes the cash assets of the estate. The figure in the Petition excludes the vehicle valued at \$3,400. Examiner calculates that the total property on hand to be \$126,938.56.</li> <li>The Petition states that the beneficiary of this estate is Barbara R. Morgan, who is now deceased, thus her estate is now the beneficiary. The Petition requests to pass the proceeds of this estate pursuant to the terms of Barbara's will; however, the proceeds of this estate cannot be passed pursuant to the will of its beneficiary. The assets of this estate can only pass to the Estate of Barbara Morgan as the intestate heir. From Barbara Morgan's estate, the proceeds can then be administered pursuant to her will. It is unclear from this Petition whether the Petitioner has been appointed as the personal representative of Barbara Morgan's estate.</li> <li>The Petition states that Aimee Holland and Gail Stone as beneficiaries of the Morgan Family Trust have consented to "distribution in-kind" of the vehicle asset of this estate to the Trustee of the Morgan Family Trust. It is unclear what is meant by an "in-kind" distribution because it appears that Petitioner is requesting to distribute this asset to herself as successor trustee of the Morgan Family Trust, which is the same distribution she is requesting for all of the assets of the this estate. Need clarification. It is noted again, that this vehicle can only pass to the Estate of Barbara Morgan. It can then be distributed pursuant to the terms of her will from her estate.</li> <li>Need Notice of Hearing.</li> <li>Need proof of service at least 15 days before the hearing to the Personal Representative of the Estate of Barbara Morgan.</li> </ol>
✓	<b>Verified</b>	POH - <b>\$123,538.56</b>	
✓	<b>Inventory</b>	(\$126,938.56, see note	
✓	<b>PTC</b>	1)(\$123,538.56 cash plus a	
✓	<b>Not.Cred.</b>	vehicle valued at \$3,400.00)	
	<b>Notice of Hrg</b>	Administrator - <b>waived</b>	
	<b>Aff.Mail</b>	Attorney - <b>\$4,808.16</b>	
	<b>Aff.Pub.</b>	(statutory)	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	Costs - <b>\$2,361.00</b>	
	<b>Conf. Screen</b>	(filing fees, publication, certified	
	<b>Letters</b>	copies, notary fees, probate	
	<b>Duties/Supp</b>	referee)	
	<b>Objections</b>		
	<b>Video Receipt</b>	Closing - <b>\$2,000.00</b>	
	<b>CI Report</b>		
✓	<b>9202</b>	<b>Distribution, pursuant to intestate</b>	
✓	<b>Order</b>	<b>succession, and subject to the</b>	
		<b>will of the deceased beneficiary</b>	
		<b>is to:</b>	
		Aimee Holland, successor trustee	
		of the Morgan Family Trust –	
		100% of the assets	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 04/22/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – Shaver</b>

**7 Emelia C. Calnek Trust 12/19/95 (TRUST)**

**Case No. 13CEPR00946**

**Atty Bagdasarian, Gary G. (for Anne Lawrence – Beneficiary and Co-Trustee – Petitioner)**

**Atty Burnside, Leigh W. (for Pamelyn S. Gingold – Co-Trustee – Objector)**

**Petition of Beneficiary and Co-Trustee to Remove Co-Trustee of the Trust and for the Payment of Attorney Fees**

<b>DOD: 1-28-10</b>	<b>ANNE LAWRNECE</b> , Daughter, Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<u>Continued from 12-12-13, 2-13-14</u>	
		<u>Minute Order 12-12-13:</u> Mr. Bagdasarian requests a continuance. The Court directs counsel to submit a declaration setting forth the full value of the estate.	
<b>Cont. from 121213, 021314</b>	<b>Petitioner requests the Court remove PAMELYN SHARLEY GINGOLD, Co-Trustee, under Probate Code §15642 based on her breach of fiduciary duties as follows:</b>	<u>Minute Order 2-13-14:</u> The Court directs that an accounting be completed by 4-10-14. The Court orders that there be no distributions other than what is necessary to maintain the residence. In addition, there are to be no distributions to the heirs pending further order of the Court. Continued to 4-24-14. Status hearing set on 4-24-14.	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Petitioner is a resident of Dove Creek, Colorado, and consequently contacted Ms. Gingold to commence trust administration after the death of the Trustor. Since February 2010, Ms. Gingold has failed to:</p> <ul style="list-style-type: none"> <li>• Supply a death certificate to Petitioner;</li> <li>• Supply Notification by Trustee to beneficiaries pursuant to Probate Code §16061.7;</li> <li>• Supply notice to Director of Health Care Services pursuant to Probate Code §19202;</li> <li>• Deposit the original Last Will and Testament of the Decedent pursuant to Probate Code §8200;</li> <li>• Record an Affidavit – Death of Settlor (Trustor), Trustee and Beneficiary and Certification of Trust changing title to the Successor Co-Trustees, as a result of the death of the Trustor in connection with the vesting of title in real property;</li> <li>• Supply a Change in Ownership Statement – Death of Real Property Owner to the Fresno County Assessor and a Claim for Reassessment Exclusion for Transfer Between Parent and Child, potentially jeopardizing the ability to have any reassessment of the real property excluded and potentially causing an increase in real property taxes;</li> </ul>	<u>Note:</u> An Accounting filed 4-9-14 by Co-Trustee Pamelyn Sharley Gingold is set for hearing on 5-28-14; therefore, the corresponding “status hearing” was taken off calendar.	
<input checked="" type="checkbox"/> Verified			<u>Note:</u> See Page 4 re status reports.
<input type="checkbox"/> Inventory			1. Objector alleges an additional person entitled to notice. The Court may require proof of service of Notice of Hearing with a copy of the petition at least 30 days prior to the hearing per Probate Code §17203 on: - EDWARD W. JENNRICH
<input type="checkbox"/> PTC			<u>Note:</u> Although Mr. Jennrich is not a primary beneficiary, the Sixth Amendment indicates a special bequest to Mr. Jennrich of the right to maintain occupancy of the home that he shared with the Decedent.
<input type="checkbox"/> Not.Cred.			<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> Notice of Hrg			<b>Reviewed on:</b> 4-22-14
<input checked="" type="checkbox"/> Aff.Mail <span style="float: right;">w</span>			<b>Updates:</b>
<input type="checkbox"/> Aff.Pub.			<b>Recommendation:</b>
<input type="checkbox"/> Sp.Ntc.			File 7A – Calnek
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
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<input checked="" type="checkbox"/> Objections			
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<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

**SEE ADDITIONAL PAGES**

Page 2

**Petitioner states Ms. Gingold has failed to (Continued):**

- Inventory and appraise any of the assets;
- Maintain the real property located at 5887 W. San Gabriel in Fresno;
- Provide any accounting, including all bank statements, receipts, and disbursement pursuant to Probate Code § 17200(b)(7)(B) and §§ 16062 and 16063;
- Petitioner alleges that Ms. Gingold has lived in the property without payment of rent, has used trust assets to pay for utilities, cable, and other items for her sole personal use;
- Ms. Gingold has failed to assemble personal property, which is depreciating in value, in order to auction or sell, or provide notice to beneficiaries as to whether said personal property should be distributed;
- Ms. Gingold has failed to provide any information re life insurance policies, final expense bills, or other related financial information;
- Ms. Gingold has failed to file the appropriate income tax returns, estate tax returns, and other tax reporting requirements for the trust on a timely basis; and
- Ms. Gingold has exhibit hostility and impairing the administration of the trust, which is reflected as grounds for removal pursuant to Probate Code § 15642(b)(3).

**Additional information:**

- The Trustor of the **EMELIA C. CALNEK TRUST** was also known as **EMELIA CHARLOTTE JENNRICH** (see death certificate).
- The real property asset of the estate located at 5887 W. San Gabriel in Fresno refers to "**EMILIA C. CALNEK JENNRICH, Trustee of the EMILIA C. CALNEK TRUST**" (see Grant Deed).
- The **Sixth (6<sup>th</sup>) Amendment**, attached as Exhibit C, dated 6-28-07 nominates Petitioner and Ms. Gingold as Co-Trustees. A letter from Attorney Steve H. Murphy dated 6-8-10 confirms.
- There are eight **(8) beneficiaries**. Petitioner lists names, but not relationships.
- Declaration of No Service filed 11-25-13 indicates that a process server made numerous attempts to serve Ms. Gingold at the San Gabriel address; however, no one answers the door. Declaration filed 12-10-13 indicates additional attempts to serve Ms. Gingold at two other addresses in Mariposa, CA.

**Petitioner requests that:**

1. **The Court remove the Successor Co-Trustee PAMELYN SHARLEY GINGOLD from office and appoint ANNE LAWRENCE as the sole Successor Trustee of the EMELIA C. CALNEK TRUST dated December 19, 1995;**
2. **The Court order PAMELYN SHARLEY GINGOLD to provide a full accounting from the date of death of the decedent of 1-28-10 to the date of her removal;**
3. **The Court order Attorney's fees of the Petitioner to be paid in an amount to be determined;**
4. **The Court make all further and proper orders.**

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Thursday, April 24, 2014**

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**Objection filed 12-9-13 by Co-Trustee Pamelyn S. Ginsold** admits certain facts as stated above regarding the name of the Trustor, the real property as an asset of the trust, and the nomination of Petitioner and Objector as co-trustees; however, Objector denies the allegations of Petitioner in Paragraph 6 and all subparagraphs, except as follows:

Ms. Gingold denies residing at the San Gabriel property, and denies that Jeremiah Gingold and Serena Katherine Gingold have ever resided there. Petitioner knew they do not reside there, yet served documents at that address to avoid providing actual notice of these proceedings to Ms. Gingold, Jeremiah, and Serena Gingold. Additionally, Ms. Gingold is informed and believes and thereon alleges that the decedent's surviving spouse, **EDWARD W. JENNRICH**, is entitled to notice of these proceedings as he may have a beneficial interest in the San Gabriel property under the terms of the Sixth Amendment.

**Ms. Gingold states:** She and Petitioner are the daughters of the decedent. Decedent was survived by her spouse, Edward W. Jenrich, whom Ms. Gingold is informed, believes, and thereon alleges now resides in Pasadena California, by her two daughters, Ms. Gingold and Petitioner, her son Peter J. Deyell, and five grandchildren. All of these individuals are named beneficiaries under the Sixth Amendment.

Decedent was also survived by a son, David A. R. Deyell, but he is not a beneficiary under the Sixth Amendment. He also appears to be disinherited under the terms of Decedent's will dated 3-16-00 (attached).

Following Decedent's death in Jan 2010, Ms. Gingold and Petitioner gathered Decedent's estate planning documents and Petitioner took them to her home in Colorado. Petitioner therefore had the 1995 Trust instrument and all amendments thereto in her possession. Ms. Gingold thus denies Petitioner's allegation that she withheld copies from Petitioner or any other beneficiary.

Ms. Gingold states neither she nor Petitioner retained legal counsel to advise them regarding administration of the trust. Ms. Gingold understood that as a co-trustee, she was to maintain the San Gabriel residence and pay expenses related to the maintenance and assets of the trust, and has done so. The decedent's final expenses were paid as well as ongoing expenses related to the real property. Ms. Gingold has supervised the upkeep of the property, maintained a trust checking account with Petitioner as co-trustees, which Petitioner has access to, and has made distributions to beneficiaries according to the Sixth Amendment. She prepared an inventory of the contents of the house and obtained appraisal of the contents and discussed with Petitioner. Petitioner at all times consented to Ms. Gingold's handling the responsibilities and never voiced any objection or disagreement. Rather, Petitioner expressed her preference that Ms. Gingold undertake these responsibilities, as she resides in Colorado, and Ms. Gingold, a resident of Mariposa, was better situated to handle administration of Fresno assets.

**SEE ADDITIONAL PAGES**

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**Objector states (Continued):**

To the extent that any administrative tasks went undone, Ms. Gingold was unaware of such tasks. She was not represented by counsel. Petitioner, on the other hand, was employed as a paralegal for a law firm and is now a clerk of the Dolores County Court in Colorado. Petitioner represented that she would determine and inform Ms. Gingold of any and all tasks of a legal nature required for administration. Aside from the responsibilities that Ms. Gingold has undertaken (bill pay, etc.), Petitioner never identified any tasks for her to complete.

Ms. Gingold submits that Petitioner had an equal responsibility to complete the administrative tasks, and to the extent there is any fault on the part of Ms. Gingold, which she denies, Petitioner is equally at fault. Petitioner has not set forth sufficient grounds to justify Ms. Gingold's removal, an order compelling her to account, or an award of attorney's fees.

**Objector requests that the Court deny each and every claim for relief in the Petition; award Objector her costs incurred in this matter; and order any and all further relief the Court deems just and proper.**

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**Status Report filed 2-5-14 by Attorney Burnside (for Objector)** provides details of the dispute including communications, distributions, and account access, and states the balance presently remaining in the trust checking account is approx. \$15,000.00, and the remaining property on hand includes the San Gabriel St. residence, the funds in the checking account, and the various personal property items in the home.

**Status Report filed 2-10-14 by Attorney Bagdasarian (for Petitioner)** states Gingold has failed to provide accounting or any information concerning the distribution of \$114,000 or for whose benefit, leading to the conclusion that the funds have been misappropriated. The real property has been allowed to deteriorate due to Gingold's failure to arrange maintenance; thereby resulting in a loss to the trust estate. Based on the lack of cooperation in providing an accounting or information concerning distributions, Petitioner again requests that Gingold be removed as co-trustee and all assets be turned over to Petitioner in order to complete the trust administration.

**Supplemental Status Report filed 2-11-14 by Attorney Burnside (for Objector)** provides additional details of distributions and the approximate balance in each beneficiary's account. Ms. Gingold disputes that the property has deteriorated and caused loss to the estate, and further asserts that Ms. Lawrence has made no effort to assist with maintenance. Trust administration is presently moving forward, and Ms. Gingold is consulting with another real estate agent for listing the property. Attorney Burnside is waiting to hear from Mr. Bagdasarian re his client's wish for disposition of the personal property remaining on hand – can it be sold via estate sale or distributed to beneficiaries or disposed of in some other manner?



Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10/28/12		DAVID L. WESTERLING is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD.	
		Proceedings being conducted in the State of Nevada.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified	Will dated 6/4/2004 devising the Westerling property to David L. Westerling.	
✓	Inventory		
	PTC		
	Not.Cred.	I & A - \$50,000.00	
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt	<b>Petitioner requests</b> Court determination that Decedent's 25% interest in real property located at 12039 E. Stroud in Kingsburg pass to him pursuant to Decedent's will.	
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/22/14
			Updates:
			Recommendation:
			File 12 – Rice

Petition for Probate of Will and for Letters of Administration with Will Annexed;  
 Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 1/1/14</b>		<p><b>PATRICIA RAY BREAZEALE</b> is petitioner and requests appointment as Administrator with Will Annexed and without bond.</p> <p>Patricia Breazeale is the sole beneficiary of decedent's will and waives bond.</p> <p>Full IAEA - o.k.</p> <p>Will dated: 9/27/2005</p> <p>Residence: Selma          Publication: Selma Enterprise</p> <p><b>Estimated value of the estate:</b>          Personal property - \$ 300.00          Real property - \$63,000.00  <b>Total - \$63,300.00</b></p> <p><b>Probate Referee: Rick Smith</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of subscribing Witness.</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, October 3, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, June 5, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	X		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**Reviewed by: KT**

**Reviewed on: 4/22/14**

**Updates:**

**Recommendation:**

**File 13 - Avey**

		<b>LELAND R. MITCHELL</b> , Brother and Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 1-6-14, 3-24-14</u></p> <p><b>Note:</b> Petitioner's Declaration filed 4-7-14 discloses that CPA Lawrence R. Mitchell is Petitioner's son (the Conservatee's nephew).</p> <p><b>Note:</b> Petitioner states the board and care facility where the Conservatee resides does not provide monthly statements, but provides the Admission Agreement as documentation with reference to Probate Code §2620(c) indicating a monthly rate of \$1,900.00/mo.</p> <p>1. Need order.</p>
		Account period: 7-1-11 through 6-30-13	
Cont. from 010614, 032414		Accounting: \$567,477.93	
	Aff.Sub.Wit.	Beginning POH: \$466,892.86	
✓	Verified	Ending POH: \$499,526.08	
	Inventory	(\$88,744.50 cash plus a brokerage account)	
	PTC	Conservator: Waives	
	Not.Cred.	Accountant: \$1,850.00 (See declaration of Lawrence R. Mitchell, CPA, for preparation of this accounting and accounting for VA requirements)	
✓	Notice of Hrg	Former attorney: \$1,323.50 (See declaration, for services from 8-3-11 through 10-1-13 for a total of 7 hours of attorney and paralegal time.)	
✓	Aff.Mail	Current bond: \$565,000.00	
	Aff.Pub.	Petitioner requests to increase bond to \$605,000.00 based on the assets on hand and annual income of \$50,292.54.	
	Sp.Ntc.	<b>Petitioner prays for an order:</b>	
	Pers.Serv.	1. Settling and allowing the account and report and approving and confirming the acts of petitioner as conservator of the estate for this account period;	
	Conf. Screen	2. Increasing the bond to \$605,000.00;	
✓	Letters	3. Authorizing Petitioner to pay the CPA and former attorney fees as requested;	
	Duties/Supp	4. Authorizing the Substitution of Attorney; and	
	Objections	5. For such other orders as the Court may deem proper.	
	Video Receipt		
✓	CI Report		
✓	2620(c) Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

		<b>TEMP EXPIRES 4-24-14</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:</b></p> <ul style="list-style-type: none"> <li>- Paternal Grandfather</li> <li>- Paternal Grandmother</li> </ul> <p><b>Note: Petitioners do not provide the names of the paternal grandparents or any diligence regarding efforts to locate them. It appears Petitioners were able to contact the father for his consent. The Court may require further diligence regarding the paternal grandparents.</b></p>
		<b>JOEL and SHERRY NEELY</b> , Maternal Grandparents, are Petitioners.	
		Father: <b>JOHNNY RAMOS</b>	
		- Consents and waives notice	
		Mother: <b>ALISHA NEELY</b>	
		- Personally served 3-5-14	
		Paternal Grandparents: Not listed	
		<b>Petitioners state</b> the minors have been in Petitioner's primary care for about one year. The mother has only spent occasional weekends with the boys while continuing to use meth and commit crimes. She is currently facing charges of identity theft and embezzlement. The father has not seen them in nearly 2½ years as a result of a domestic violence restraining order protecting the mother and the minors. Petitioners believe he will consent to guardianship. In January 2014, the children were placed in Petitioners' custody by DSS. See Safety Plan attached. According to the plan, the mother was to complete several requirements for reunification; however, she has not made contact with the case manager. Therefore, Petitioners were advised to file for guardianship. The minors are in need of medical and dental attention. They are loved and well taken care of in Petitioners' home. Petitioners state that any change to the status quo would be extremely detrimental to the minors. Petitioners also provide a letter written by minor Sylas describing the situation.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>	x	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>	w	
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
✓	<b>Clearances Order</b>		
	<b>Aff. Posting Status Rpt</b>		
✓	<b>UCCJEA Citation</b>		
	<b>FTB Notice</b>		
		<b>Court Investigator Dina Calvillo filed a report on 4-17-14.</b>	
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 4-22-14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 16 – Ramos</b>	